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Calendar No. 487

101ST CONGRESS
2d Session

SENATE

REPORT
101-255

CAMP W.G. WILLIAMS LAND EXCHANGE ACT OF 1990

MARCH 22 (legislative day, JANUARY 23), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 393]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 393) entitled the "Camp W.G. Williams Land Exchange Act of 1989", having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Camp W.G. Williams Land Exchange Act of 1990".

(b) DEFINITIONS.—As used in this Act—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "camp boundaries" means the exterior boundaries of Camp W.G. Williams after enactment of this Act, in Utah and Salt Lake Counties, Utah, as generally depicted on the map referenced in section 2(a) of this Act.

SEC. 2. EXCHANGE.

(a) OFFERS.—Notwithstanding any other provision of law, as soon as possible but not later than six months after the date of enactment of this Act, the Secretary shall offer to exchange lands identified as "Federal Lands Offered for Exchange" on a map entitled "Proposed Exchange for Camp W.G. Williams, Utah", dated August 25, 1989 (hereinafter referred to as the "map"), to the owners of tracts of private lands identified as "PRIVATE LANDS TO BE ADDED TO CAMP W.G. WILLIAMS BY EXCHANGE AND WITHDRAWAL" on such map. If the owners of any or all of such tracts of private lands accept the offer within two years after the date of enactment of this Act, then the Secretary as soon as practicable shall convey to such owner or owners or their designee title to so much of the identified land as is approximately equal in value to such tracts of private land as are simultaneously conveyed to the United States.

(b) Any lands, identified on the map as "Federal Lands Offered for Exchange", not exchanged shall be returned to the public domain.

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SEC. 3. BUREAU OF LAND MANAGEMENT LANDS.

Lands identified on the map as "Public Lands at Camp W.G. Williams to be Withdrawn" shall be transferred to the Department of the Army.

SEC. 4. ARMY LANDS.

Subject to the provisions of section 7, lands identified on the map as "Withdrawn Lands to be Returned to Public Domain" shall be transferred to the Department of the Interior, returned to the public domain and managed accordingly.

SEC. 5. ACQUISITIONS.

The Secretary, in accordance with applicable law, is authorized to acquire, solely by donation or exchange from a willing seller, lands that are identified as 2a and 2b on the map, and is directed to transfer such lands to the Department of the Army for the explicit purpose of addition to Camp W.G. Williams. The Secretary of the Army shall modify the camp boundaries so as to encompass lands acquired pursuant to this subsection.

SEC. 6. DEPARTMENT OF THE ARMY LANDS.

(a) All lands transferred, exchanged, or acquired by this Act within the camp boundaries shall immediately become a part of Camp W.G. Williams and shall be administered and managed by the Department of the Army in accordance with the same laws, regulations, and executive orders applicable to the lands under the jurisdiction of the Department of the Army adjoining such acquired tracts.

(b) Subject to valid existing rights, no lands owned by the United States within the camp boundaries shall be available for any form of settlement, sale, location, or entry under the general land laws, including the mining laws, but not the mineral or geothermal leasing laws, and such lands shall be administered and managed by the Department of the Army.

SEC. 7. REVOCATION OF EXECUTIVE ORDER, ETC.

(a) REVOCATION.—(1) Executive Order 1922 of April 24, 1914, shall be revoked, only insofar as it affects lands outside of the camp boundaries and only upon acceptance by the Secretary of an appropriate certification by the Secretary of the Army that such lands do not contain any hazardous materials or substances, as defined by applicable Federal law. Upon such revocation, affected lands shall be returned to the public domain and managed accordingly.

(2) The Secretary of the Army shall perform all inspections and other actions necessary to make the certification required in paragraph (1), and shall report his findings to the Secretary, within 1 year after the date of enactment of this Act. Thereafter the Secretary of the Army shall hold harmless the Secretary for any liability associated with any hazardous materials or substances as defined by applicable Federal law that were placed upon or reasonably appear to have been placed upon the land prior to the return of the subject lands to the public domain.

(b) LIABILITY.—Upon the acquisition by the United States of any lands or interest in land pursuant to this Act, any liability accruing to the United States as a result of such acquisition shall be deemed to vest in the United States Department of the Army. In no event shall liability vest in the Department of the Interior.

SEC. 8. MAPS AND LEGAL DESCRIPTIONS.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a legal description of the lands proposed to be exchanged by this Act and shall file such maps and the legal descriptions with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives.

Amend the title so as to read:

A bill entitled "Camp W.G. Williams Land Exchange Act of 1990."

PURPOSE OF THE MEASURE

The purposes of S. 393 are to authorize and direct the Secretary of the Interior to exchange approximately 967 acres of privately owned land within Camp W.G. Williams in Utah for nearby Federal lands of equal value. In addition, the exterior camp boundary is to be modified, with approximately 1,900 acres of Federal land outside of the camp boundary to be returned to the public domain and

approximately 1,400 acres of Federal land within the camp boundary to be withdrawn for military uses.

BACKGROUND AND NEED

Camp W.G. Williams is located on approximately 29,000 acres of land 25 miles southwest of Salt Lake City. The camp was established by a 1914 Executive Order and is operated by the Department of the Army as a training facility for the Army, the Utah National Guard and the Army Reserve. In addition, other military units use the camp from time to time.

During much of the camp's existence, an informal arrangement permitted private landowners within the camp boundaries to continue to use their land for farming and grazing purposes in exchange for the landowners allowing military training on their land. As use of the camp for training purposes has increased, however, these landowners have been exposed to increased danger. In 1984, a 12-year-old boy was killed by unexploded ordnance while trespassing within the camp. Since that accident, the camp has been officially closed to the public, and the Army has attempted to acquire all remaining private inholdings.

Since the 1984 accident, the Army has purchased, on a willing seller basis, most privately held lands within the camp. There are currently three remaining private landowners within the camp boundary with lands totaling approximately 967 acres. They have agreed to exchange their properties for nearby Federal lands of approximately equal value.

Also within Camp Williams are approximately 1,400 acres of Federal land which have not been withdrawn from the public domain. These lands need to be withdrawn from appropriation under the general land laws consistent with their use for military training purposes.

The proposed new Camp Williams boundary is smaller than the original reservation established by the 1914 Executive Order. Approximately 1,900 acres outside of the proposed new boundary are no longer used for military purposes and need to be returned to the public domain.

LEGISLATIVE HISTORY

S. 393 was introduced by Senators Garn and Hatch on February 9, 1989. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on September 12, 1989.

At the business meeting on March 8, 1990, the Committee on Energy and Natural Resources ordered S. 393, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on March 8, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 393, if amended as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford*	
Mr. Metzenbaum*	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin	
Mr. McClure	
Mr. Hatfield	
Mr. Domenici*	
Mr. Wallop*	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Garn	
Mr. McConnell*	

*Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 393, the Committee adopted an amendment in the nature of a substitute and an amendment to the title. The substitute sets forth the terms and conditions of the proposed land exchange, which are described in detail in the section below. The amendment also modifies the camp boundary, with approximately 1,900 acres of Federal land outside of the camp boundary to be returned to the public domain and approximately 1,400 acres of Federal land within the camp boundary to be withdrawn for military uses.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title and definition of terms.

Section 2 sets forth the conditions for the land exchanges.

Subsection (a) directs the Secretary of the Interior as soon as possible, but not later than 6 months after the date of enactment of this Act, and notwithstanding any other provision of law, to offer to exchange Federal lands identified as "Federal Lands Offered for Exchange" on a map entitled "Proposed Exchange for Camp W.G. Williams, Utah" and dated August 25, 1989 to owners of private lands as identified on the map. If the owners of any or all of the tracts accept the offer to exchange lands within two years after the date of enactment of this Act, the Secretary of the Interior is to convey title to the owners or their designees to Federal lands identified for exchange which are approximately equal in value. Both the private landowners and the United States are to convey title to each other simultaneously.

Subsection (b) provides that any Federal lands identified as potential exchange lands which are not exchanged are to be returned to the public domain.

Section 3 states that lands identified on the map referred to in section 2 as "Public Lands at Camp W.G. Williams to be With-

drawn" shall be transferred from the Bureau of Land Management to the Department of the Army.

Section 4 provides that subject to the provisions of section 7, the Federal lands outside of the revised boundary of Camp Williams (identified on the map as "Withdrawn Lands to be Returned to the Public Domain") are to be transferred to the Department of the Interior, returned to the public domain and managed accordingly. These lands were within the original camp boundary established in 1914 by Executive Order 1922.

Section 5 authorizes the Secretary of the Interior, in accordance with applicable law, to acquire, solely by donation or exchange, two additional parcels identified on the map as areas 2a and 2b. Once acquired, these lands are to be transferred to the Department of the Army and included within the camp boundary. Both parcels are adjacent to the camp boundary as established by this Act. The Committee understands that acquisition of these parcels is not as high a priority as acquisition of lands within the camp boundary, but that the parcels are important to preserve access to parts of the camp.

Section 6(a) provides that all lands within the exterior boundaries of Camp Williams acquired, transferred or exchanged by this Act shall immediately become a part of the camp, to be administered by the Department of the Army in accordance with applicable law.

Subsection (b) provides that subject to valid existing rights, no lands owned by the United States within the camp boundaries shall be available for settlement, sale, location or entry under the general land laws, including the mining laws, but not the mineral or geothermal leasing laws.

Section 7(a) partially revokes Executive Order 1922 of 1914. That Order established the original camp boundaries. The partial revocation establishes a new exterior camp boundary as indicated on the map. The Order is to be revoked only upon acceptance by the Secretary of the Interior of an appropriate certification by the Secretary of the Army that the lands do not contain any hazardous materials or substances, as defined by Federal law. The subsection further provides that upon the partial revocation of the Order, certain lands (which are identified in section 4) are to be returned to the public domain and managed accordingly.

Paragraph (2) of the subsection requires the Secretary of the Army to perform all inspections and other actions necessary to make the certification required in paragraph (1). The Secretary of the Army is directed to report his findings based on such inspections to the Secretary of the Interior within 1 year after the date of enactment of this Act. After reporting his findings, the Secretary of the Army is to hold harmless the Secretary of the Interior for any liability associated with any hazardous materials or substances (as defined by applicable Federal law) that were placed or reasonably appear to have been placed on the land prior to returning such land to the public domain.

Subsection (b) states that any liability accruing to the United States as a result of land acquired pursuant to this Act shall be deemed to vest in the Department of the Army and not in the Department of the Interior.

Section 8 directs the Secretary of the Interior to publish in the Federal Register a legal description of the lands proposed to be exchanged pursuant to this Act and to file such descriptions and maps with the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 22, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 393, the Camp W.G. Williams Land Exchange Act of 1990, as ordered reported by the Senate Committee on Energy and Natural Resources on March 8, 1990.

S. 393 would require the Bureau of Land Management (BLM) to trade specified Federal lands in Utah for private land holdings around Camp W.G. Williams. BLM would then be directed to exchange these consolidated land holdings with the Department of the Army. Those lands acquired by the Army would be added to Camp W.G. Williams. Lands acquired by BLM would be returned to the public domain.

Based on information from BLM and the Department of the Army, CBO does not expect enactment of S. 393 to have a significant effect on the federal budget or on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gulo, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 393. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 393, as reported.

EXECUTIVE COMMUNICATIONS

On August 7, 1989, the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth execu-

tive views on S. 393. These reports had not been received at the time the report on S. 393 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee on Public Lands, National Parks and Forests hearing on S. 393 follows:

STATEMENT OF BILLY R. TEMPLETON, ACTING ASSISTANT DIRECTOR FOR LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

I appreciate the opportunity to appear here today to discuss S. 393, the propose "Camp W. G. Williams Land Exchange Act of 1989".

S. 393 would direct the Secretary of the Interior to revoke applicable public land orders or withdrawals, to terminate classifications and to take any other actions that he determines necessary to complete, within two years, an exchange of certain lands in Salt Lake and Utah Counties, Utah. The Secretary would be authorized to take this action notwithstanding Executive Order No. 1922 of April 24, 1914, and any other order, law, or court order.

We support the purpose of S. 393 but find that it does not address necessary issues that may arise in accomplishing the desired purpose.

The problem tnat generated the legislation is the presence of private in holdings both in and adjacent to Camp Williams, as active military reservation. These lands may have become littered with unexploded munitions. This poses a serious safety hazard to civilians entering the lands. The Department of the Army seeks to acquire these lands to improve its operations and reduce public safety problems.

The Department of the Army National Guard Bureau had sufficient funding to purchase the private lands, and most of the purchases have been made. However, there are 3 private landowners who will not sell their land, but are willing to trade it for other land in the area. There is sufficient acreage of withdrawn public land outside the Camp Williams boundary to accommodate these landowners in an exchange. However, exchanges processed under our current authority require environmental assessments, mineral reports, hazardous materials evaluations and other actions which would delay the transfer to the Department of the Army for a considerable amount of time and would not provide the assurance against liability which the Department of the Interior of the Bureau of Land Management, as the conduit for the exchange, would require.

For these reasons, our Utah State and Salt Lake District offices working with the Army Corps of Engineers and the Utah National Guard have developed a draft bill that we believe would meet the needs of all the agencies. In discus-

sions with Senate staff it was suggested that at this hearing we discuss the draft bill which has been reviewed and approved by all the interested parties and I believe by the propoents of S. 393.

The proposed bill would direct the Secretary of the Interior to offer specified lands to the owners of the private lands sought by the Department of the Army for use by the Utah National Guard. On acceptance of the offer, the lands aquired by the Federal government would immediately, by operation of law, become part of the Camp W. G. Williams, to be administered in accordance with the same laws, regulations, and public land and executive orders as are applicable to other lands under the jurisdiction of the Department of the Army adjoining such acquired tracts. They would be treated as public lands withdrawn for the Department of the Army pursuant to Executive Order 1922 of April 24, 1914 and any amendments or revocations thereof.

By this legislative transfer and withdrawal, many administrative steps and much time delay are avoided.

The draft bill would also withdraw some 1400 acres of land owned by the United States within the exterior boundaries of Camp W. G. Williams which for some reason were never formally withdrawn and included within Executive Order 1922 of April 24, 1914. By this bill they would be.

The draft bill also partially revokes Executive Order 1922 to eliminate specific lands on certification by the Secretary of the Army and acceptatnce by the Secretary of the Interior that the lands to be returned to the public domain do not contain any hazardous materials or substance. The Secretary of the Army would be required to hold the Secretary of the Interior harmless for any liability associated with any hazardous materials or substances that were placed on the lands before they were returned to public domain status. Also, any liability accruing to the United States as a result of the acquisition of land authorized by the bill would vest in the United States Department of the Army. In no event would any liability vest in the Department of the Interior.

A copy of the draft bill is attached to this statement. We believe it addresses all the issues and problems that might arise in the proposed exchange of land for the benefit of Camp W. G. Williams.

This completes my prepared statement. I will be pleased to answer questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 393, as reported.

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